

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERMAINE BURTON,

Plaintiff,

v.

Case No. 23-cv-11093
Hon. Matthew F. Leitman

JAY SAPH, *et al.*,

Defendants.

ORDER (1) CONDITIONALLY APPOINTING COUNSEL AND
(2) STAYING CASE FOR PERIOD OF 60 DAYS

In this action, *pro se* Plaintiff Jermaine Burton alleges that six medical and corrections staff members at a Michigan Department of Corrections facility were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment. (*See* Compl., ECF No. 1.) Defendants have argued, among other things, that Burton failed to exhaust his claims before he filed this action.

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. *See Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993). However, this district has a procedure in which cases are referred to a *Pro Bono* Committee that requests members of the bar to assist in appropriate cases. This Court believes that Burton would benefit from the assistance

of appointed *pro bono* counsel for the limited purpose of conducting discovery on, and conducting the bench trial of, Defendants' failure-to-exhaust defense.

Accordingly, this case is **REFERRED** to the *Pro Bono* Committee. Burton is conditionally granted appointment of counsel provided that the committee is successful in enlisting *pro bono* counsel. The Court will also **STAY** this action for a period of **60 days** while the committee obtains counsel for Burton.

Once counsel is appointed, the Court will promptly set a status conference with all parties to set a schedule for the next steps in this action.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 29, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 29, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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